

MORRISON TENENBAUM

MORRISON-TENENBAUM PLLC, ATTORNEYS-AT-LAW M-T-LAW.COM
87 WALKER STREET 2ND FLOOR NEW YORK NY 10013
PHONE 212.620.0938 FAX 646.998.1972

December 23, 2021

VIA ECF

The Honorable Roanne L. Mann
United States District Court
Eastern District of New York (Brooklyn)
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Mendez et al. v. MCCS Rest. Corp., MIKO Enterprises LLC et al.*
Case No. 1:16-cv-02746-RPK-RLM

Dear Judge Mann:

This office is counsel to all defendants, except Konstantinos Siklas, in this action. We write jointly with Siklas's attorney and Plaintiffs' attorneys to provide the Court with a status report in accordance with the Court's November 9, 2021 order. The parties also jointly respectfully request an extension of the joint pretrial order deadline, from January 31, 2022 to February 28, 2022.

The parties held a mediation with Ruth Raisfeld on December 20, 2021 for approximately seven hours. The parties did not reach a settlement at the mediation, but we did make significant progress towards settlement, and are continuing to negotiate a potential settlement. We are scheduled to have a continued mediation session on January 14, 2022 with Ms. Raisfeld.

The parties are aware of the January 31, 2022 for the joint pretrial order, and Your Honor's direction that the extension of the deadline to January 31, 2022 would be the last extension. The parties jointly respectfully request that the Court grant one further extension of the joint pretrial order deadline, to February 28, 2022. The parties made a serious effort to settle at the mediation. While no agreement was reached at the mediation, the parties are much closer to a settlement than they were, and have a second mediation session scheduled for January 14. The parties would

prefer to continue to focus their resources on their efforts to reach a settlement, without having to simultaneously perform the significant work that will be needed to prepare the joint pretrial order for this action, which has four certified classes.

This is the third request for an extension of the deadline to file the joint pretrial order. The first two requests were granted.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Joshua S. Androphy
Joshua S. Androphy, Esq.
Morrison Tenenbaum PLLC
87 Walker Street, Floor 2
New York, NY 10013
T. (212) 620-0938
F. (646) 390-5095

cc: All Counsel (VIA ECF)